IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 3828 OF 2002

F.C.I. & anr.
v.
Ramdayal Singh & ors. .

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.R.Deshpande Advocate for the Petitioners.

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CORAM: A.B. CHAUDHARI, J.
DATED : 10th SEPTEMBER, 2007.

Heard Mr.S.R.Deshpande, learned counsel for the petitioners. Respondent no.2-Union is not served. Contesting respondent no.1 is the concerned workman in respect of whom grievance was made.

2. Since the petition relates to the year 2002 and according to Mr.Deshpande effort to serve respondent no.2 has not succeeded and looking to the writ petition as well as the impugned order, I think it fit to dispose of the writ petition rather than again

adjourning it.

3. Respondent no.1 was transferred from Bihar region to Nagpur district in the establishment of the petitioner. He being the Union leader there was an objection for he being transferred from Bihar region. That resulted into industrial disturbances and therefore a dispute was referred to Central Government-cum-Labour Court, Nagpur, by the appropriate Government. In the reference two questions were raised. The first question was – whether the transfer of respondent no.1 was in violation of bipartite settlement dated 24.5.1984? The second question was whether the Union illegally resorted to strike from 21.2.2000 to 24.2.2000?

3. After hearing the concerned parties at length, the Presiding Officer, C.G.I.T. Nagpur came to the conclusion that the Advocate for respondent no.1 represented to the Court that the dispute was amicably

settled between the workman and the management and therefore the main question regarding transfer of respondent no.1 did not survive. In view of this statement, C.G.I.T. disposed of the said reference proceedings on the ground that respondent no.1 was not entitled to any relief.

4. Insofar as second question that was referred, it is needless to point out that because of transfer of respondent no.1 strike had taken place for four days and this was as a sequel to the management transferring respondent no.1. The main question related to transfer of respondent no.1 and insofar as strike is concerned, the stand of the petitioner to declare the same as illegal was ancillary. There is no point in re-opening the matter again after seven years and in my opinion that would lead to breach of industrial peace. In view of this, the request made by Mr.Deshpande that the second issue deserves

to be answered by this Court is not acceptable. In any case, the main dispute having been resolved, there remains no substance in the petition which deserves to be dismissed. Petition accordingly dismissed.

JUDGE

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